

REMARKS

In the Office Action dated November 5, 2008, claims 1-4 and 6-28 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 3,739,774 (Gregory) in view of U.S. Patent No. 4,449,524 (Gray) and U.S. Patent No. 6,344,071 (Smith et al.). By way of this paper new claim 29 has been added for examination on the merits. Support for new claim 29 can be found throughout the application in combination with the figures. Accordingly, claims 1-4 and 6-29 are currently pending.

In rejecting the claims, the Office Action sets forth two different rationale for interpreting *Gregory* as either disclosing, or rendering obvious, a “first valve” associated with a tank, as recited in independent claims 1 and 9. First, the Office Action alleges that the piston (38) of *Gregory* acts as the “first valve” to close inlet line (29) when spring (40) is fully expanded. Alternatively, the Office Action asserts that in the event piston (38) cannot be considered the “first valve,” it would be obvious to place a one-way valve element somewhere adjacent to the inlet line (29) or perhaps the oxygen line (16) “to prevent contamination of the pressurized oxygen line by the filtered air.” Applicant respectfully submits that each of these reasonings set forth in the Office Action are deficient, and each will be addressed in turn.

First, the applicant respectfully disagrees with the examiner that the piston (38) and spring (40) of *Gregory* can be equated to the “first valve” of the present application. The Office Action suggests that the inlet line (29) of *Gregory* is capable of being opened and closed, because the force of filtered air passing through valve (21) can allegedly cause the piston (38) to move upwards and cover the inlet line (29). This is not possible. The piston (38) is secured to a second plate (33), which extends outwardly from the base of the cylinder (37). This second plate (33) may not move upwards from the resting position displayed in Figure 2 because it abuts with the base of the cylinder (37). As a result, the piston (38) also may not move upwards from the resting position displayed in Figure 2 and, therefore, cannot cover the inlet line (29). Therefore, *Gregory* does not disclose a “first valve” as suggested in the Office Action.

Second, the examiner’s assertion that it would be obvious to modify *Gregory* to include a one-way valve element to “prevent contamination of the pressurized oxygen line

by the filtered air” is completely implausible. The pressurized oxygen line (16) contains pressurized air from the source, i.e., a tank, which is at a high pressure. *See* col. 4, lines 3-7. This is evidenced by the presence of the regulator (28), which reduces the pressure of the air supplied from the tank to a pressure that is suitable for respiration. That is, pressurized air from the tank must pass through the regulator (28) prior to entering the valve assembly (21). *Id.* In contrast, air from the filter system never needs to be regulated or reduced in pressure. Instead, it is always supplied at a pressure that is suitable for respiration. Thus, the pressure of the air in oxygen line (16), which is supplied directly from the tank, is always much higher than the pressure of the air supplied by the filter system. It is well known that air from a low pressure environment can never enter a higher pressure environment. Thus, the filtered air from valve assembly (21) could not possibly enter and contaminate the higher-pressure oxygen line (16), as suggested in the Office Action. Therefore, the applicant respectfully submits that a one-way valve element would never be needed to “prevent contamination” of the oxygen line (16) of *Gregory*, and adding such a valve element would go against all sense of common logic.

In light of the foregoing, *Gregory* neither discloses nor suggests a one-way valve element associated with a tank, as recited in the claims of the present application. Moreover, the remaining references fail to remedy this deficiency. Accordingly, the applicant submits that the claimed arrangement should be in condition for allowance, and respectfully requests reconsideration and withdrawal of the outstanding rejections.

New independent claim 29 is similar to claim 1 except that it further recites the disposition of the tank, regulator, and valve assembly relative to each other along an air flow path. Claim 29 also adds that the “resultant air pressure” from pressurized air that has passed through the regulator is what opens the first valve and closes the second valve. Support for this language can be found in the detailed description at page 9, lines 3-8, for example. This “resultant air pressure” feature is not disclosed by *Gregory* because instead of using the air pressure from the pressurized air *after* it has passed through the regulator to actuate the valves, *Gregory* relies on the pressurized air supplied directly from the source, i.e., *before* it passes through the regulator, to actuate the valves. This is exemplified by the fact that the inlet line (29) communicates with the oxygen line (16) at a position that is

upstream from the regulator (28). As such, none of the cited prior art anticipates, or renders obvious, new claim 29.

In view of the above amendment, applicant believes that the pending application, including claims 1-4 and 6-29, is in condition for allowance. Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 13-2855, under Order No. 30810/39676A.

Dated: January 19, 2009

Respectfully submitted,

By 

Michael P. Furmanek

Registration No.: 58,495

MARSHALL, GERSTEIN & BORUN LLP

233 S. Wacker Drive, Suite 6300

Sears Tower

Chicago, Illinois 60606-6357

(312) 474-6300

Attorneys for Applicant